

Appln. No. 10/752,669

December 15, 2005

REMARKS/ARGUMENTS

The Specification

The Summary of Invention section of the Specification has been amended, on page 3 of the Application, to reflect changes made to claim 1 in response to the present action. Support for the amendment is found on pages 9 and 10, which specifically states that surface contact wheels are freely and independently rotatably connected to work head shaft. Accordingly, no new matter has been added.

Objection to lack of antecedent basis in claim 25

In response to Examiner's objection to claim 25 on the grounds that "the first longitudinal beam" and "the second longitudinal beam" are referred to without antecedent basis, Applicant has amended Claim 25 by specifically introducing and positively reciting "a first longitudinal beam" and "a second longitudinal beam" as part of the frame. Accordingly, antecedent basis has now been established for the first longitudinal beam and the second longitudinal beam in claim 25 and the Applicant respectfully requests that the objection be withdrawn.

Claim Rejections under 35 USC 102

Examiner has rejected claims 1-5, 10, and 21-24 as being anticipated by Winton (U.S. 5,468,173).

Re Claim 1: In response to Examiner's rejection, Applicant has amended claim 1 to include surface contact wheels, previously introduced in claim 5, as part of work head and which are freely and independently rotatably connected thereto for contacting and reconditioning the surface. Claim 5 has also been amended to specify that surface contact wheels are freely and independently rotatably connected to work head by freely and independently rotatable connection of the surface contact wheels to a shaft end portions of work head shafts of work head. Support for the amendment is found on pages 9 and 10, which specifically states that surface

Appln. No. 10/752,669

December 15, 2005

contact wheels are freely and independently rotatably connected to work head shaft. Accordingly, no new matter has been added.

With reference to Winton, Applicant directs Examiner's attention to Figure 2 thereof. As Examiner will undoubtedly realize, surface contact wheel thereof 22 is connected to work head shafts 23 thereof which are connected by gears 24 and 25 to driven shaft 26. As stated in Column 6, lines 2-25, when motor 55 is activated, motor 55 causes driven shaft 26 to rotate, which in turn "forces" (quoted from Winton) work head shafts 23 to rotate via gears 24, 25. This forced rotation of work head shafts 23 by driven shaft 26 causes all surface contact wheels 22 to rotate. Accordingly, connection of surface contact wheels 23 to work head, and specifically gears 24, 25 thereof, does not allow for free rotation of surface contact wheels 23, as rotation thereof is caused by forced rotation of work head shaft 23 connecting surface contact wheel 22 to work head. Further, any rotation of surface contact wheel 22 by means other than power generated by motor 55 will also cause and require rotation of work head shafts 23, gears 24, 25, and driven shaft 26. Significantly, due to connection of all gears 24 to gear 25, rotation of one surface contact wheel 23 on work head, will also cause rotation of all other surface contact wheels 22 connected to the work head. Accordingly, wheels 22 do not rotate freely or independently with regard to work head shaft 23 connecting them to work head and each wheel 23 cannot rotate freely or independently of any other wheel 23 connected to same the same work head. Therefore, wheels 23 shown in the device taught by Winton are not freely and independently rotatably connected to work head, as now claimed in amended claim 1. Accordingly, amended claim 1 is not anticipated by Winton and Applicant respectfully requests that Examiner's rejection be withdrawn. (Emphasis of Applicant, reference numbers refer to Winton as cited by Examiner)

Re claims 2-5, 10, 21-23: Dependent claims 2 through 4, claim 5 as currently amended, claim 10, and claims 21 through 24 contain at least all of the limitations of amended claim 1. Accordingly, Applicant respectfully submits that these claims now

Appln. No. 10/752,669

December 15, 2005

patentably distinguish the invention over the prior art cited by Examiner for the reasons set out above with respect to amended claim 1.

Re claim 24: Claim 24 has been amended in the same manner as claim 1. Specifically, claim 24 has been amended to include surface contact wheels, previously introduced in claim 32, dependent on claim 24, as part of work head and which are freely and independently rotatably connected thereto for contacting and reconditioning the surface. Claim 32 has also been amended, similarly to claim 5 as described hereinabove, to specify that surface contact wheels are freely and independently rotatably connected to work head by freely and independently rotatable connection of the surface contact wheels to a shaft end portions of work head shafts of work head. Applicant respectfully submits that claim 24 as amended now patentably distinguishes the invention over the prior art cited by Examiner for the reasons set out above with respect to amended claim 1.

Claim Rejections under 35 USC 103

Re Claim 6: Examiner has rejected claim 6 on the grounds that surface contact wheel is anticipated by Winton and that the inclusion of a second surface contact wheel of the same type in claim 6 is obvious. However, for the same reasons as set out in response to rejection of claim 1 under 35 USC 102, surface contact wheel in Winton is not freely and independently rotatably mounted, as now claimed in amended claim 1. Accordingly, surface contact wheel recited in claims 1 through 5, upon which claim 6 depends, is not anticipated by Winton. Accordingly, both surface contact wheels claimed in claim 6 are new and the Examiner's objection under 35 USC 103, with reference to *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, is now moot. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Re Claims 7-8: Examiner has also rejected claims 7 and 8 under 35 USC 103. Dependent claims 7 and 8 contain at least all of the limitations of claim 6 and

Appln. No. 10/752,669

December 15, 2005

amended claim 1. Thus, Applicant respectfully submits that these claims now patentably distinguish the invention over the prior art cited by Examiner and that Examiner's rejection in virtue of 35 USC 103 is now moot for the reasons set out above with respect to amended claim 1 and claim 6. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Allowable Subject Matter

Re claims 9, 11-20, 25-35: Examiner objects to claims 9, 11 through 20, and 25 through 35 as being dependent upon a rejected base claim, but states that these claims would otherwise be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant states that dependent claims 9 and 11 through 20 contain at least all of the limitations of amended claim 1. Accordingly, Applicant respectfully submits that claims 9 and 11 through 20 are now allowable for the reasons set out above with respect to amended claim 1. Further, dependent claims 25 through 35 contain at least all of the limitations of amended claim 24. Therefore, Applicant respectfully submits that claims 25 through 35 are now allowable for the reasons set out above with respect to amended claim 24, which are the same as those set out for amended claim 1.

In view of the foregoing, it is submitted that the claims are now in condition for allowance. Accordingly, allowance of the application at an early date is respectfully solicited.

Respectfully submitted,

Julien Jomphe, Applicant



Franz BONSANG, Reg.No: 56638

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